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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,526	07/07/2003	Arun M. Hamasagar	02-599	6107
719	7590	09/22/2005	EXAMINER	
CATERPILLAR INC. 100 N.E. ADAMS STREET PATENT DEPT. PEORIA, IL 616296490			AURORA, REENA	
			ART UNIT	PAPER NUMBER
			2862	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/614,526	HAMASAGAR ET AL.	
	Examiner Reena Aurora	Art Unit 2862	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 July 2005.  
 2a) This action is FINAL.                  2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 - 24 is/are pending in the application.  
 4a) Of the above claim(s) 18 - 23 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1 - 17 and 24 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 07 July 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All \* b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 7/7/03.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

Claims 1 – 17 and 24 are presented for examination.

Claims 18 – 23 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 07/11/05.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1 – 17 and 24 are rejected under 35 U.S.C. 102(a) as being anticipated by Blubaugh et al. (6,509,733).

As to claims 1, 10 and 24, Blubaugh et al. (hereinafter Blubaugh) discloses a fluid cylinder including a first sensor housing member (32, fig. 2) adapted for external connection to the linkage system (not shown) and having a first sensor conduit (34, fig. 1 and 2) therein; a second sensor housing member (40, fig. 1 and 2) slidably received within the first sensor housing member (32) and having a second sensor conduit therein; a first sensor portion (38) connected with the first sensor housing member; and a second sensor portion (44) connected with the second sensor housing member (40); wherein: the first sensor housing member (32) is configured and arranged to at partially enclose the first sensor portion (38) and the second sensor portion (44); and the

Art Unit: 2862

position sensor assembly is operable to register a position of the first sensor portion (38) relative to the second sensor portion (44) as a result of cooperation between the first and second sensor portions (col. 3, lines 40 - 64).

As to claims 2 and 11, Blubaugh discloses the second sensor housing member (40) is telescopically received within the first sensor housing member (col. 3, lines 45 - 48).

As to claims 3 and 12, Blubaugh discloses the first and second sensor housing members comprise first and second tubes, respectively, the second tube (40, fig. 1 and 2) being telescopically received within the first tube (32).

As to claims 4 and 13, Blubaugh discloses that the first and second tubes (32, 30) have generally circular cross sectional shapes (Note fig. 1).

As to claims 5, 14 and 15, Blubaugh discloses the first sensor portion (40) is disposed generally parallel to or coaxially with the sensor conduit and is configured and arranged to be movable within the second sensor conduit (32) during operation of the position sensor assembly.

As to claims 6 - 9 and 16, 17, Blubaugh discloses that the first sensor portion is arranged in a telescopically movable configuration relative to the second sensor portion (col. 3, lines 46 - 48).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reena Aurora whose telephone number is 571-272-2263. The examiner can normally be reached on Monday - Friday, 7:00 - 3:30..

Art Unit: 2862

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, E. Lefkowitz can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Reena Aurora*  
Reena Aurora